

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)

KYLE BOBAY, D.O.	:	Case No. 3:22-cv-00002-WHR-PBS
	:	
Plaintiff,	:	(Judge Walter H. Rice)
	:	(Magistrate Judge Peter B. Silvain, Jr.)
vs.	:	
	:	
WRIGHT STATE UNIVERSITY, <u>et al.</u>	:	NOTICE
	:	
Defendants.	:	

Pursuant to today's telephone conference with the Court and all case counsel, Defendant Kettering Adventist Healthcare ("Kettering") provides notice to the Court and the parties as follows:

1. On December 29, 2021, Dr. Bobay submitted a written request to Kettering for a review of Kettering's December 21, 2021 decision to uphold the Final Written Warning issued to Dr. Bobay. The December 21, 2021 decision is found in Exhibit 16 to Plaintiff's Complaint. The December 29, 2021 email from Dr. Bobay to Kettering is not mentioned in, or attached to, any document filed by Dr. Bobay in this litigation; it is provided to the Court by Kettering within the Exhibit A attached to this Notice.

2. Also on December 29, 2021, Kettering replied to Dr. Bobay to inform him that his request for a review would be considered, and that Kettering would "send you a response once a decision is made." Kettering's reply to Dr. Bobay is also not mentioned in, or attached to, any document filed by Dr. Bobay in this litigation; it is provided to the Court by Kettering within the Exhibit A attached to this Notice.

3. Late this afternoon, Kettering notified Dr. Bobay that his appeal had been granted. Kettering's notification is contained within the Exhibit A attached to this Notice. Kettering's notification informs Dr. Bobay that his religious exemption from the COVID-19 vaccine requirement has been approved, that Kettering will rescind the final written warning he was issued, and that he will be noted as compliant with Kettering's COVID-19 vaccine requirement.

Respectfully submitted,

s/ Timothy G. Pepper

Timothy G. Pepper (0071076)

Trial Attorney

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